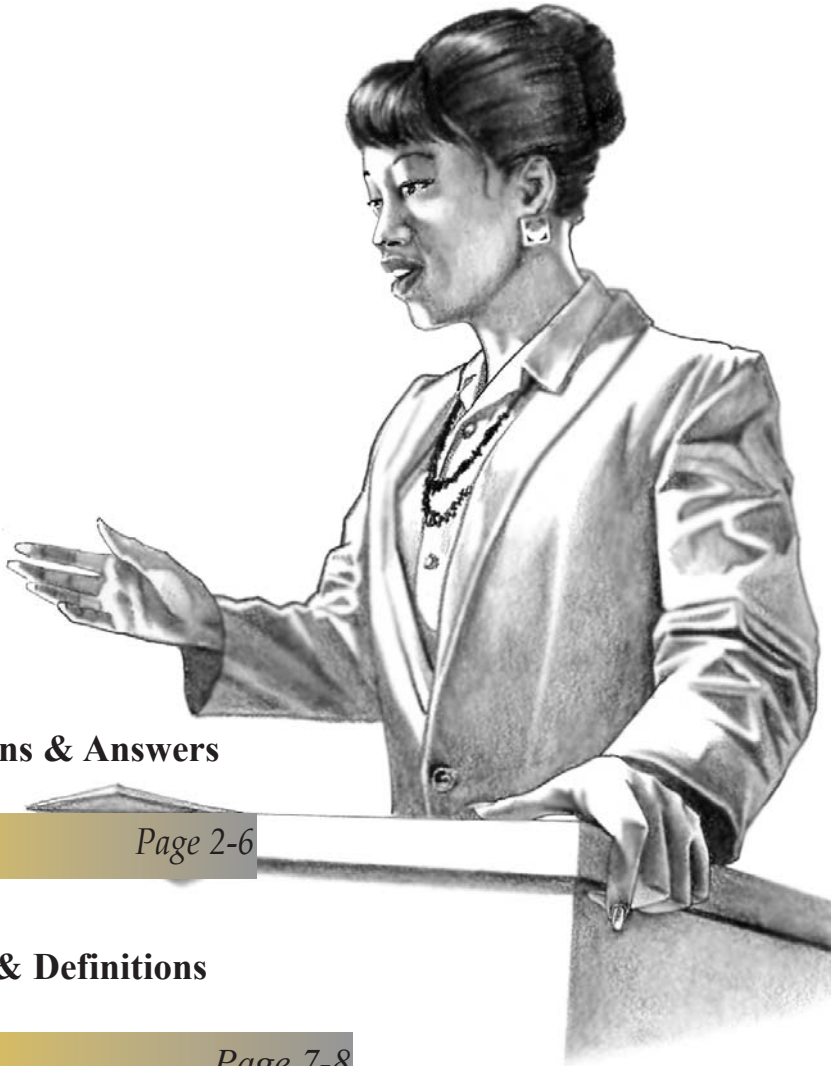


# **Things You Should Know About Child Support Modification in Arizona**



This booklet is designed to give you general information about modifying child support in Arizona and to let you know what you can expect as your case moves through the court.

# Contained in this Booklet



## Questions & Answers

*Page 2-6*

## Words & Definitions

*Page 7-8*

## Locations of the Superior Court

*Page 8-9*

# Child Support Modification in Arizona

**M**ost child support orders are fair and reasonable when they are entered; however, these orders do not always keep up with the changes in people's lives. The process of updating or changing a child support order is called a modification.

In Arizona, only the court can legally modify or change the child support amount; however, parents are free to agree to a change in the child support amount with the court's approval based on certain conditions. Court services are available in some counties to assist in reaching agreements about changing the child support amount. Because agreements between parents leave fewer issues for the court to decide, the result often is more satisfying to the people involved and may speed the process of concluding the court case.



# Questions & Answers

**NOTE:** This booklet is intended to provide general information about child support modification. It is not a complete nor authoritative review of this subject and reflects the laws of the state of Arizona only as of the date of its publication. The booklet is not intended to be a guide to obtaining a child support modification. Questions about specific situations should be discussed with an attorney.

## **Other available booklets in this series include:**

- Child Support Payments
- Covenant Marriage
- Custody and Parenting Time
- Divorce in Arizona
- Establishing Paternity for Your Child in Arizona
- Parent Education Class
- Protective Orders

## **Q. What is a child support modification?**

**A.**

A child support modification is a process to legally change the child support amount. Arizona law allows parents to ask the court to change or modify the amount of child support paid or received under a prior court order (the court makes the final decision). Support modification is appropriate if there has been a change of income of either parent, or other changes such as child care costs or health insurance premiums.

## **Q. Where do I get a modification?**

**A.**

In Arizona, only the Superior Court can grant a child support modification. To get a child support modification, either parent, their attorney or the state child support agency must file the appropriate forms with the Clerk of the Superior Court in the Arizona county where the original support order was determined.

# Questions & Answers

## **Q. Can I represent myself in court?**

**A.**

It is not required that you have an attorney to represent you in a proceeding to modify child support but you must follow the same rules and procedures as attorneys. All legal papers must be in the proper form and filed on time. The judges, clerks and court staff can explain the process but are not permitted to give you legal advice. If you have legal questions about your rights or responsibilities, you should ask an attorney.

## **Q. When can I ask the court for a modification?**

**A.**

You may ask the court to modify the support order at any time. Support may be modified or terminated only on a showing of changed circumstances that are substantial and continuing.

## **Q. Can past due child support be modified?**

**A.**

No, any amount that may have accrued as an arrearage (also called past due support) before the date of notice of the motion or order to show cause to modify or terminate support cannot be modified; however, the parties may agree otherwise in writing. Child support amounts ordered by the court are due on the date ordered and if unpaid are considered judgments. The unpaid balance due plus interest cannot be modified.

# Questions & Answers

## **Q.** How do I request a modification?

**A.**

In Arizona, two options are available to change the child support amount:

- The "Standard Procedure" can be used if either parent or the state child support agency can show the court that there is a "substantial and continuing" change in circumstances.
- The "Simplified Procedure" can be used if the amount would increase or decrease by 15% from the existing amount. A change of 15% is assumed to be proof that the change is "substantial and continuing." This procedure may be used to establish or change which parent should pay the cost of health insurance coverage, or if the parent paying the cost of the health insurance coverage should be changed. A 15% increase or decrease from the existing amount does not need to be reached to modify the medical assignment.

## **Q.** How do I use the Standard Procedure?

**A.**

Either parent, their attorney, or the child support enforcement agency may request in writing that the court modify the child support amount. The request is filed with the Clerk of Superior Court and a filing fee is charged. The filing party must show the court that either one or both parent's circumstances have changed. The change must be substantial and continuing.

# Questions & Answers

**Q. How do I know if the change is substantial and continuing?**

- A.** The court may consider many factors when determining if the change is substantial and continuing including:
- A raise or cut in the salary or other regular income of either parent
  - A change in the custody of a child
  - Addition of health insurance or a change in the availability of health insurance coverage
  - Obligation of either parent to support other children
  - Additional unexpected medical or educational expenses
  - Additional expenses for special needs of gifted or handicapped children
  - Additional expenses for court-ordered supervised parenting time or supervised exchanges
  - Increased cost in caring for the children

**Q. Do I need to file a modification request to stop the child support order when the youngest child reaches age 18?**

- A.** No, but you must ask the court to terminate (stop) any wage assignments that are in place.

**Q. Do I need to ask the court to modify the support amount when on child emancipates and one or more children still receive support?**

- A.** Yes. To change the support amount, you must request a modification of the child support order through the court. The new calculation will be based on the number of children under the age of 18 and current income information.

# Questions & Answers

**Q. How do I use the Simplified Procedure?**

**A.**

Either parent, their attorney, or the child support enforcement agency may request the court to modify the child support amount if the child support calculation shows that the new amount would be increased or decreased at least 15%. A change of 15% is assumed to be proof that the change is "substantial and continuing." The request is filed along with a "Parent's Worksheet for Child Support Amount" including documentation showing both parents' incomes with the Clerk of Superior Court. A filing fee is charged.

**Q. What if I don't know the other parent's income?**

**A.**

If the parent filing the modification does not know the income amount of the other parent, they should indicate that the amount has been estimated. A parent has the right to request income verification from the other parent's employer.

**Q. When does the new child support amount take effect?**

**A.**

The court may order the new child support amount to start on the first day of the month following notice of the filing of a petition to modify child support. Check the new court order to verify the starting date.



# Questions & Answers

**Q. Will the child support enforcement agency modify my child support amount?**

**A.** Yes. If you have a case with the child support enforcement agency\*, a request may be made without a specific showing of a changed circumstance that is substantial and continuing. The child support enforcement agency will conduct the review in accordance with the Arizona Child Support Guidelines, and, if appropriate, they will file a petition in the Superior Court to modify the support amount.

\* If you do not have a case with the child support enforcement agency, you may contact them for an application for assistance to modify your child support amount (see contact information at the back of this booklet).

## Words & Definitions

**Arrearage** - The total amount of child support that has not been paid.

**Child Support Enforcement Agency** - The state agency operated by the Department of Economic Security, Division of Child Support Enforcement. This agency can help by locating the non-custodial parent, establishing legal paternity and a legal support order, enforcing support orders and collecting child support payments.

### **Division of Child Support Enforcement (DCSE)**

Customer Service

P.O. Box 40458

Phoenix, AZ 85067-9917

(602) 252-4045

(800) 882-4151

[www.de.state.az.us](http://www.de.state.az.us)

# Words & Definitions

**Child Support Order** - A written order from the court that states which parent must pay child support, the amount of the payment, how often the payment must be made and who receives the child support payment for the children.

**Emancipate** - The age at which child support ends in Arizona, age 18.

**Hearing** - The opportunity for persons involved in a legal case to explain their side of the dispute to the court. Hearings are scheduled by the court for a particular date and time.

**Modification** - A court process to legally change the child support amount.

**Notice** - Legal notification given directly to, or received personally by, a party.

**Service** - The formal process by which court papers filed with the Clerk of the Superior Court by one parent are provided to the other parent. The Rules of Civil Procedure state how service must be made.

**Simplified Procedure** - A streamlined procedure used for modifying a child support order when the new amount shows at least a 15% increase or decrease from the current amount. This procedure may be used to establish or change which parent should pay the cost of health insurance coverage, or if the parent paying the cost of the health insurance coverage should be changed. A 15% increase or decrease from the existing amount does not need to be reached to modify the medical assignment.

**Standard Procedure** - The procedure used for modifying a child support amount when a parent can prove that there is a substantial and continuing change in circumstances.

# Words & Definitions

**Wage Assignment** - An order of the court that is sent to the employer of the paying parent. The employer is instructed to deduct the child support amount from that person's wages. The employer sends the payment to the Support Payment Clearinghouse.

## LOCATIONS OF THE SUPERIOR COURT

### **Apache County**

70 West 3rd South  
St. Johns, AZ 85936  
(928) 337-7550

### **Cochise County**

County Courthouse  
Bisbee, AZ 85603  
(520) 432-9364

### **Coconino County**

200 N. San Francisco  
Flagstaff, AZ 86001  
(928) 779-6535

### **Gila County**

1400 E. Ash  
Globe, AZ 85501  
(928) 425-3231

### **Graham County**

800 Main St.  
Safford, AZ 85546  
(928) 428-3100

### **Greenlee County**

County Courthouse  
Clifton, AZ 85533  
(928) 865-4242

### **La Paz County**

1316 Kofa Ave., Suite 607  
Parker, AZ 85344  
(928) 669-6131

### **Maricopa County**

201 W. Jefferson  
Phoenix, AZ 85003  
(602) 506-3676

Northwest Regional Court  
Center

14264 W. Tierra Buena Lane  
Surprise, AZ 85374  
(602) 506-3676

Southeast Regional Public  
Service Facility

222 E. Javelina Ave.  
Mesa, AZ 85210  
(602) 506-3676

# LOCATIONS OF THE SUPERIOR COURT

## **Mohave County**

County Courthouse  
Kingman, AZ 86402-7000  
(928) 753-0790

## **Navajo County**

County Courthouse  
Holbrook, AZ 86025  
(928) 524-4188

## **Pima County**

110 W. Congress  
Tucson, AZ 85701  
(520) 740-3201

## **Pinal County**

County Courthouse  
Florence, AZ 85232-2730  
(520) 868-6296

## **Santa Cruz County**

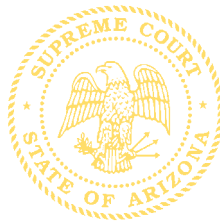
Santa Cruz County Complex  
2150 North Congress Drive  
Nogales, AZ 85621  
(520) 375-7700

## **Yavapai County**

County Courthouse  
Prescott, AZ 86301  
(928) 771-3312

## **Yuma County**

168 S. 2nd Ave.  
Yuma, AZ 85364  
(928) 329-2164



---

**Presented by the  
Arizona Supreme Court  
Administrative Office of the Courts  
Court Services Division  
Court Programs Unit**

---

This publication can be provided in an alternative format or other assistance may be provided upon request by a qualified individual with a disability under the provision of The Americans with Disabilities Act.